

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

J.R. SIMPLOT COMPANY, individually and derivatively,

Plaintiff,

V.

WASHINGTON POTATO COMPANY;  
OREGON POTATO COMPANY; FRANK  
TIEGS; and DOES 1 THROUGH 10,

## Defendants.

No. C16-1851 RSM

STIPULATION AND ORDER  
RE: MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION

## I. STIPULATION

The parties, by and through undersigned counsel, hereby stipulate as follows:

Pending briefing and argument on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [Dkt. 75] (the "Motion") (on a date and schedule to be determined) and pending the Court's ruling on the Motion, Defendants and those acting on their behalf and at their direction shall not:

1. Undertake any actions based upon, or in furtherance of, WPC’s attempt to unilaterally declare WPC the owner of Plaintiff’s ownership in Pasco Processing;
2. Otherwise undertake any actions with respect to the management of Pasco Processing LLC (“Pasco”) that are inconsistent with Simplot owning a membership interest in Pasco, including making any statements to Pasco employees, vendors, customers, or lenders to the effect that Simplot does not own any interest in Pasco;

## STIPULATION AND ORDER

(Case. No. No. 2:16-cv-01851-RSM) - 1

Davis Wright Tremaine LLP  
LAW OFFICES  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101-3045  
206.622.3150 main • 206.757.7700 fax

3. Undertake any acts to disrupt supply to Plaintiff from Pasco, Gem State Processing, LLC and/or any other source;
4. Undertake any acts to acquire Plaintiff's ownership in Pasco outside of resolution through litigation.

By so stipulating, Defendants in no way concede the merits of the Motion, nor do they consent to the Court's jurisdiction, which they contest. [Dkt. 49]. Nothing in this Stipulation shall preclude Defendants from taking any action in this case or other pending litigation.

DATED this 23<sup>rd</sup> day of March, 2017.

DAVIS WRIGHT TREMAINE LLP  
Attorneys for Defendants Washington Potato  
Co., Oregon Potato Co., and  
Frank Tiegs

By s/ Brad Fisher  
Brad Fisher, WSBA # 19895  
Jaime Drozd Allen, WSBA # 3574  
[bradfisher@dwt.com](mailto:bradfisher@dwt.com)  
[jaimeallen@dwt.com](mailto:jaimeallen@dwt.com)

YARMUTH WILSDON PLLC  
Attorney for Plaintiff J.R. Simplot Company

By s/ Jeremy E. Roller (via email authorization)  
Jeremy E. Roller, WSBA # 32021  
Diana S. Breaux, WSBA # 46112  
[jroller@yarmuth.com](mailto:jroller@yarmuth.com)  
[dbreaux@yarmuth.com](mailto:dbreaux@yarmuth.com)

THOMPSON COBURN, LLP  
Attorneys for Plaintiff J.R. Simplot Company

By s/ Robert H. Lang (via email authorization)  
Robert H. Lang (*Pro Hac Vice*)  
Kimberly M. Bousquet (*Pro Hac Vice*)  
[rhlang@thompsoncoburn.com](mailto:rhlang@thompsoncoburn.com)

**STIPULATION AND ORDER**  
(Case. No. No. 2:16-cv-01851-RSM) - 2

Davis Wright Tremaine LLP  
LAW OFFICES  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101-3045  
206.622.3150 main • 206.757.7700 fax

## II. ORDER

Based on the above Stipulation and subsequent communication from counsel for the parties, the Court will now construe Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. #75) as a Motion for Preliminary Injunction only. This Motion shall be renoted by the Clerk for consideration on April 14, 2017, as set forth in Local Rule 7(d)(3). Any opposition or reply papers shall be filed and served by the deadlines set in that Local Rule.

DATED this 23<sup>rd</sup> day of March 2017.



---

**RICARDO S. MARTINEZ**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**STIPULATION AND ORDER**  
(Case. No. No. 2:16-cv-01851-RSM) - 3

Davis Wright Tremaine LLP  
LAW OFFICES  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101-3045  
206.622.3150 main • 206.757.7700 fax